

Remarks

Reconsideration and reexamination of the above-identified patent application as amended, is respectfully requested. In a previous office action response claims 8-11 were withdrawn. Upon entry of this Amendment, claims 1-7 and 12-15 are pending. Claims 1 and 2 have been amended. Claims 12-15 have been added. No claims have been cancelled. Of the pending claims, claim 1 is the only independent claims.

I. Claim Rejections - 35 U.S.C. §112, 1st and 2nd Paragraphs

In the non-final Office Action mailed March 30, 2006, the Examiner rejected claims 1-7 under 35 U.S.C. § 112, first paragraph, as failing to comply with the enablement requirement. The Applicant traverses the rejections.

Applicant submits that the Examiner has failed to provide a reasonable basis as to why the specification is not enabling. It is well settled that the specification of a patent application does not have to be a “blueprint” of the claims. Particularly, the Board of Patent Appeals and Interferences (BPAI) in *Staehelin v. Secher*, 24 USPQ 2nd 1513, 1516 (B.P.A.I. 1992), citing *In re Gay*, 309 F.2d 769, 135 USPQ 311 (C.C.P.A. 1962) stated:

The error we see in Staehelin’s approach...would require a patent specification to be a blueprint which, if followed, would unfailingly reproduce exactly an applicant’s claimed invention. However, the law does not require a specification to be a blueprint in order to satisfy the requirement for enablement under 35 USC 112, first paragraph.

In view of the specification as filed, the Examiner asserts that Applicant’s specification should be a mirror image or blueprint of the claims. However, based on the specification as originally filed, in view of the above reasons, claims 1-7 are enabled.

Secondly, the Examiner has not established why the specification does not describe how to make and use the invention. Applicant states that the enablement requirement under section 112, 1st paragraph does not require that the application contain written words

explaining how to make and use the invention. Rather, it is well settled law that the drawings alone may be sufficient to satisfy the enablement requirement. Particularly, the Court of Customs and Patent Appeals (CCPA) in *In re Wolfensperger*, 302 F.2d 950, 133 USPQ 537 (C.C.P.A 1962) stated the following:

[The] drawings are in the form of what have been characterized as “block diagrams,” i.e., a group of rectangles representing the elements of the system, functionally labeled and interconnected by lines....

[I]f such a selection would be “well within the skill of persons of ordinary skill in the art,” such functional-type block diagrams may be acceptable and, in fact, preferable if they serve in conjunction with the rest of the specification to enable a person skilled in the art to make such a selection and practice the claimed invention with only a reasonable degree of routine experimentation.

The Examiner is encouraged to consider Figures 1-7 which include illustrations of how the present invention contacts a door (e.g., a refrigerator door) and how the present invention operates to move the door. Accordingly, the drawings enable one of ordinary skill in the art to make and/or use the invention.

Even still, in response to the questions raised by the Examiner in support of the 35 USC 1st paragraph rejections, Applicant has provided the following excerpts from the specification, which answer the Examiner’s questions and clearly enable one of ordinary skill in the art to make and/or use the invention.

Paragraph [0026] provides:

Spring 302 located below the integrated clamps 300a and 300b is attached to the pivot 301. This spring 302 is utilized to exert a normal force on the wheel 311 to force the wheel 311 to contact the surface or floor the refrigerator 100 is placed upon. Front portion wheel mount 310 located next to wheel 311, interacts with the back wheel portion wheel mount 312, second shaft coupling 309, first shaft coupling 308, second shaft coupling 306, clutch 203 and the motor 201 to force the wheel 311 to spin. At the same time, the spring 302 exerts a downward force or normal force that is normal to the contact surface such that a sufficient amount of friction is present between the wheel 311 and the surface so that the wheel 311 does not slip as it is spinning, thus the refrigerator door 107 is able to move effortlessly across the floor.

Paragraph [0033] provides:

At 709, the control module 209 is connected to the draw wire transducer assembly 113, which monitors if the refrigerator door 107 to determine if the command has been accomplished. If the draw wire transducer assembly 113 sends a signal that the refrigerator door 107 that the command has been accomplished, then the process ends. However, if the control module 209 receives a signal from the draw wire transducer assembly 113 that the door is closed or the command was not previously sent, then at 711 the control processor activates the drive train assembly by channeling power from the power supply 218 or internal power source to the clutch 203 and motor 201. Clutch 203 and motor 201 are activated to produce a torque of 20 lb-in to enable the wheel 311 to spin or rotate. Clutch 203 and motor 201 utilizes the mount 303, motor mount 305, first shaft coupling, clutch mount 308 and the second wheel shaft coupling to move the wheel 311. The spring 302 applies a normal force of approximately 100lbs based on the frictional force required to move the refrigerator door 107 to force the wheel 311 to contact the surface or floor where the refrigerator 100 is placed upon so the refrigerator door 107 can effortlessly open or close as the wheel 311 easily glides across the floor.

Paragraph [0034] provides:

This invention provides a simple means to allow a person to automatically open or close a door, such as a refrigerator door. Based on the frictional force required to open the door, this system allows a user to effortlessly move the door from an open or closed position. This invention allows a user to easily open or close the door while the user expends a minimum amount of energy.

Accordingly, based on the specification, drawings, and foregoing reasons, a person of ordinary skill in the art is enabled to make and/or use the invention. Thus, Applicant respectfully requests withdrawal of the rejections.

The Examiner further rejected claims 1-7 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. Particularly, the Examiner asserted that the phraseology "easily" recited in claims 1 and 2 rendered claims 1-7 indefinite. In response, Applicant has amended claims 1 and 2 and respectfully requests that the Examiner withdraw the rejections.

II. Claim Rejections - 35 U.S.C. §102 and §103

The Examiner has rejected claims 1-4 and 7 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6,061,964 issued to Arnell et al. ("Arnell"). Additionally, the Examiner has rejected claims 5 and 6 under 35 U.S.C. § 103(a) as being unpatentable over Arnell.

Applicant has amended independent claim 1 which now recites:

An automatic door control system that is operable with a door, the system comprising:

a control module assembly having:

a microphone for receiving a voice command; and

a voice recognizer that includes a processor for storing a plurality of waveforms in a voice database and a preset commands database, the voice recognizer comparing the voice command with the voice database and the preset commands database, determining whether the voice command matches the waveforms in the voice database and the present commands database, and generating a signal that corresponds to the voice command if the voice command matches the waveforms stored in the voice database and present commands database; and

a drive train assembly coupled to the control module assembly and the door, wherein the drive train assembly is configured to receive the signal from the control module assembly to move the door, wherein the drive train assembly is configured to open and close the door.

Applicant submits that Arnell does not disclose, suggest, or teach the combination of the limitations recited by amended independent claim 1. As such, Applicant states that amended independent claim 1 and its respective dependent claims are patentable over the cited prior art. Thus, Applicant respectfully request withdrawal of the rejections.

Conclusion

In summary, claims 1-7 and 12-15 meet the substantive requirements for patentability. The case is in appropriate condition for allowance. Accordingly, such action is respectfully requested. If a telephone or video conference would expedite allowance or resolve any further questions, such a conference is invited at the convenience of the Examiner.

Respectfully submitted,
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